

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

In re:		)	
		)	
Alesia Desiree		)	
	Nichols	)	
		)	Case No. 14-31371-KLP
		)	
	Debtor	)	Chapter 13
		)	
TO:	Rena Green, Co-Debtor	)	
		)	
Address	P.O. Box 765	)	
	Lawrenceville, VA 23868	)	

**NOTICE OF MOTION**

Santander Consumer USA Inc. has filed papers with the court to move the court for relief as to Co-Debtor.

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)**

If you do not want the court to grant the relief sought in the motion, or if you want the court to consider your views on the motion, then on or before twenty-one (21) days from the date of service of this motion, you or your attorney must:

- ☐ File with the court, at the address shown below, a written request for a hearing [or a written response pursuant to Local Bankruptcy Rule 9013-1(H)]. If you mail your request for hearing (or response) to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

Clerk of Court  
United States Bankruptcy Court  
701 East Broad Street, Suite 4000  
Richmond, VA 23219

Sara A. John, VSB #48425  
M. Richard Epps, P.C.  
605 Lynnhaven Parkway  
Virginia Beach, Virginia 23452  
757-498-9600  
sara\_john@eppspc.com  
Counsel for Plaintiff

You must also mail a copy to:

Sara A. John  
M. Richard Epps, P.C.  
605 Lynnhaven Parkway  
Virginia Beach, VA 23452.

- ☐ Attend a hearing to be scheduled at a later date. You will receive separate notice of hearing. **If no timely response has been filed opposing the relief requested, the court may grant the relief without holding a hearing.**

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

Date: September 10, 2014

Signature, name, address and telephone number  
of person giving notice:

/s/ Sara A. John  
Sara A. John  
M. Richard Epps, P.C.  
605 Lynnhaven Parkway  
Virginia Beach, VA 23452  
757-498-9600  
Virginia State Bar No. 48425  
Counsel for Santander Consumer USA Inc.

Certificate of Service

I hereby certify that on September 10, 2014 I mailed or electronically served a true copy of the foregoing Notice of Motion to: Alesia Desiree Nichols, P.O. Box 765, Lawrenceville, VA 23868; Rena Green, P.O. Box 765, Lawrenceville, VA 23868; Carl M. Bates, Trustee, P.O. Box 1819, Richmond, VA 23218; and Robert B. Duke, Jr., Counsel to Debtor, 207 A South Main Street, Blackstone, VA 23824.

/s/ Sara A. John  
Sara A. John  
M. Richard Epps, P.C.

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

In re:

Alesia Desiree Nichols

Case No. 14 - 31371 - KLP

Debtor.

Chapter 13

Santander Consumer USA Inc.,

Plaintiff,

v.

Rena Green, Co-Debtor,

Defendant.

**MOTION FOR RELIEF FROM STAY AS TO CO-DEBTOR  
PURSUANT TO 11 U.S.C § 1301 (c)(2)**

To the Honorable Judge of the Aforesaid Court:

For its Motion for Relief from Stay as to Co-Debtor Pursuant to 11 U.S.C. § 1301 (c)(2), Santander Consumer USA Inc., Plaintiff, by counsel, states as follows:

1. This Court has jurisdiction over the matters herein alleged pursuant to 28 U.S.C. § 1334. This matter constitutes a core proceeding within the meaning of 28 U.S.C. § 157 and is a contested matter under Rules 4001 and 9014 of the Federal Rules of Bankruptcy Procedure.
2. The Debtor owns an interest in the following motor vehicle, to-wit: 2008

Sara A. John, VSB #48425  
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Counsel for Plaintiff

Dodge Charger, VIN 2B3KA43R68H142563 (the “vehicle”).

3. Plaintiff, Santander Consumer USA Inc., is a secured creditor of Debtor, being secured by a security interest in the vehicle with its lien duly noted on the certificate of title.

4. On or about March 14, 2014, the Debtor filed a petition for relief under 11 U.S.C. Chapter 13. The Debtor has filed a Chapter 13 plan.

5. Under the terms of the plan, the Debtor proposed to surrender the vehicle to Plaintiff. The Debtors’ plan was confirmed by Order of this Court on June 27, 2014.

6. The Debtor is in default in the making of the payments and is presently due for the November 4, 2013 through September 4, 2014 payments for arrearages totaling \$5,098.66, with a payoff of approximately \$15,330.57 on the loan. Additionally, Plaintiff has incurred attorney’s fees in filing this Motion.

7. Rena Green is a Co-Debtor of Debtor and is jointly liable on the obligation to Plaintiff. The Co-Debtor is also a co-owner of the vehicle.

8. Under the provisions of 11 U.S.C. § 1301, Plaintiff herein has been precluded from seeking recovery of its claim from the Co-Debtor. Pursuant to 11 U.S.C. § 1301 (c)(2), Plaintiff is entitled to relief from the stay as to the Co-Debtor.

9. That Plaintiff lacks adequate protection.

10. For the above and foregoing reasons, Plaintiff asserts that cause exists sufficient to waive the requirement of Bankruptcy Rule 4001(a)(3), therefore allowing the Order granting the relief sought to be effective upon its entry.

**WHEREFORE**, Plaintiff moves the Court for relief from the automatic stay as to the Co-Debtor pursuant to 11 U.S.C. § 1301 (c)(2), so that it may proceed in accordance with state law.

Santander Consumer USA Inc.

/s/ Sara A. John

Sara A. John

M. Richard Epps, P.C.

Certificate of Service

I hereby certify that on September 10, 2014, I mailed a true copy of the foregoing Motion for Relief from Stay as to Co-Debtor to: Alesia Desiree Nichols, P.O. Box 765, Lawrenceville, VA 23868; Rena Green, P.O. Box 765, Lawrenceville, VA 23868; Carl M. Bates, Trustee, P.O. Box 1819, Richmond, VA 23218; and Robert B. Duke, Jr., Counsel to Debtor, 207 A South Main Street, Blackstone, VA 23824.

/s/ Sara A. John

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